

4.19 ENVIRONMENTAL JUSTICE

Environmental justice is concerned with the question of whether a proposed Project would expose minority or disadvantaged populations to proportionately greater risks or impacts compared to those borne by other individuals. A minority population is defined as a population that is more than 50 percent minority or has a minority population that is meaningfully greater than the minority population in the general population or other appropriate unit of geographic analysis. This section identifies populations with a relatively high representation of minority or low-income status and evaluates whether the proposed Project would result in significant adverse effects that disproportionately affect identified minority or low-income populations.

Comments received during scoping and during the comment period for the October 2004 Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) include requests to explain the environmental justice analysis methodology; identify the, socioeconomic and ethnic populations that could be affected disproportionately by this Project; discuss site selection; disclose what efforts have been made to solicit input from these populations as well as provide adequate notice to affected populations; discuss why certain impacts are not environmental justice issues; and describe mitigation measures to reduce any disproportionate impacts.

Information about the proposed Project was provided throughout the scoping process in both English and Spanish. The Notice of Intent/Notice of Preparation (NOI/NOP) was translated and made available in Spanish; Spanish-speaking individuals were available at all three open houses and scoping meetings for participants who required translation in order to provide comments, and literature provided at the open houses was available in both English and Spanish. Several participants made public oral comments in Spanish, which were translated and responded to instantaneously, all of which was recorded. In addition, the October 2004 Draft EIS/EIR was translated into Spanish, and Spanish-speaking individuals were available at all of the open houses and public hearings held to receive comments on the October 2004 Draft EIS/EIR. A Spanish translation of this document is also available. An overview of all public participation efforts is included in Section 1.5, "Public Review and Comment," in Chapter 1, "Introduction."

Background

On February 11, 1994, President Clinton issued an "Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," which was designed to focus attention on environmental and human health conditions in areas of high minority populations and low-income communities and to prevent discrimination in programs and projects substantially affecting human health and the environment (Federal Register 1994). The order requires the United States Environmental Protection Agency (USEPA) and all other Federal agencies (as well as state agencies receiving Federal funds) to develop strategies to address this issue. The agencies are required to identify and address any disproportionately high and adverse

human health or environmental effects of their programs, policies, and activities on minority and/or low-income populations.

In 1997, the USEPA's Office of Environmental Justice released the Environmental Justice Implementation Plan, supplementing the USEPA environmental justice strategy and providing a framework for developing specific plans and guidance for implementing Executive Order 12898. Federal agencies received a framework for the assessment of environmental justice in the USEPA's Guidance for Incorporating Environmental Justice Concerns in USEPA's National Environmental Policy Act (NEPA) Compliance Analysis in 1998. This approach emphasizes the importance of selecting an analytical process appropriate to the unique circumstances of the potentially affected community.

The USEPA has issued guidance that supports permit and other decisions by the agency, Toolkit for Assessing Allegations of Environmental Injustice (USEPA 2004). The methodology contained in this guidance document is described in further detail under Methodology below.

With respect to California State policy, the California Governor's Office of Planning and Research General Plan Guidelines (2003) provide guidance to cities and counties to incorporate environmental justice in their general plans and emphasize public participation as an important part of environmental justice. No regional or local environmental justice policies and/or assessments have been performed by agencies within the study area.

The California State Lands Commission (CSLC) has developed and adopted an Environmental Justice Policy to ensure equity and fairness in its own processes and procedures. The CSLC adopted an amended Environmental Justice Policy on October 1, 2002, to ensure that "Environmental Justice is an essential consideration in the Commission's processes, decisions and programs and that all people who live in California have a meaningful way to participate in these activities."

The policy stresses equitable treatment of all members of the public and commits to consider environmental justice in its processes, decision-making, and regulatory affairs, which are implemented, in part, through identification of and communication with relevant populations that could be adversely and disproportionately impacted by CSLC projects or programs and by ensuring that a range of reasonable alternatives is identified that would minimize or eliminate environmental impacts affecting such populations. This discussion is provided in this document consistent with and in furtherance of the Commission's Environmental Justice Policy. The staff of the CSLC is required to report back to the Commission on how environmental justice is integrated into its programs, processes, and activities (CSLC 2002).

Methodology

The USEPA defines disproportionately high and adverse effects or impacts as those that are appreciably more severe in magnitude or are predominately borne by any segment of the population, for example, a minority or low-income population, in comparison with a population that is not minority or low-income. The USEPA

recommends a four-step process for carrying out an environmental justice assessment: (1) problem formation, (2) data collection, (3) assessment of the potential for adverse impacts, and (4) assessment of the potential for disproportionately high adverse impacts (USEPA 2004).

During the problem formation step, the affected area is identified. The data collection step involves identifying sources of stress and the likelihood of exposure, and collecting health-related, demographic, social, and economic data on the affected area. The third step involves assessing the adverse impacts on the environment and human health, and the fourth step is determining whether adverse impacts are disproportionately high in the affected area compared with the reference community. The use of specific components of this methodology is intended to be flexible.

The USEPA has developed this guidance primarily to support permit and other decisions by Federal agencies. Since the floating storage and regasification unit (FSRU) is located offshore and away from population, many of the USEPA's regulatory and statutory authorities do not apply to areas where environmental justice could be a concern, namely the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation, and Recovery Act, the Clean Water Act, the Safe Drinking Water Act, and the Clean Air Act. The USEPA's recommendation of the development of health data is not relevant to this Project because its potential health-related impacts would be offshore and rare (related to an accident) and not constant (for example, caused by ongoing exposure to toxic air pollutants emitted in a neighborhood).

The following approach was developed for the proposed Project in keeping with the USEPA's methodology. Section 4.19.1, "Environmental Setting," presents the demographics of the State, region, and area of potential impact. Minority and low-income populations in the project area and specifically those that could be impacted are identified. Demographic data from the 2000 United States Census are presented by census tract, block group, and block.¹

Once populations with a relatively high representation of minority or low-income status are identified, Section 4.19.4, "Impact Analysis," discusses whether the Project would disproportionately affect such identified minority or low-income populations.

4.19.1 Environmental Setting

This section describes the composition and distribution of minority and low-income populations for Ventura County and the Cities of Oxnard and Santa Clarita, identifies populations with a relatively high representation of minority or low-income status, and

¹ A census tract, which average about 4,000 inhabitants, is delineated as a relatively homogeneous unit with respect to population characteristics, economic status, and living conditions. A subdivision of a census tract, a census block group is the smallest geographic unit for which the Census Bureau tabulates sample data. A block group consists of all the blocks within a census tract with the same beginning number. A census block is the smallest geographic unit for which the Census Bureau tabulates 100-percent data. Many blocks correspond to individual city blocks bounded by streets, but blocks—especially in rural areas—may include many square miles and may have some boundaries that are not streets.

discusses whether any of the Project's significant impacts could disproportionately affect those populations.

4.19.1.1 Minority Population

Ventura County, the City of Oxnard, and Los Angeles County

The proposed Center Road Pipeline is located in the City of Oxnard and Ventura County (see Figure 2.4-1 in Chapter 2, "Description of Proposed Action"). Of the overall 14.3-mile (23 kilometers [km]) Center Road Pipeline, about 4.5 miles (7.2 km) or 31.5 percent is located in the City of Oxnard and the remainder is within the jurisdiction of Ventura County.

According to the Ventura County Workforce Investment Board (2002), Ventura County demographics are dominated by the following trends: (1) most Ventura County population growth is a result of international immigration; (2) the percentage of Hispanics in the population is increasing; and (3) the percentage of young people is larger in Hispanic populations than in Non-Hispanic populations.² The population in Oxnard has increased 19.8 percent, from 142,216 in 1990, to 170,358 in 2000 (Ventura County Workforce Investment Board 2002, p. 4, Table 1).

Table 4.19-1 presents the ethnic and racial composition of the population in the onshore Project area. Although the racial composition of Ventura County is predominately white, at 69.9 percent, the category of "some other race" is reported by 17.7 percent of the population. The ethnic composition of Ventura County is 33.4 percent Hispanic or Latino in comparison with the State, which has 32 percent Hispanic or Latino representation.

Oxnard is the largest city in Ventura County. The racial composition of Oxnard is 42.1 percent white and the category of "some other race" is reported by 40.4 percent of the City's population (see Table 4.19-1). The ethnic composition of Oxnard is 66.2 percent Hispanic or Latino in comparison with Ventura County, which is 33.4 percent Hispanic or Latino. The City of Oxnard has twice the percentage of Hispanics or Latinos than California. The presence of this minority community warrants a more detailed analysis at the census block level.

² Historically, the U.S. Census Bureau has classified race and Hispanic origin as two separate concepts. The recent introduction of the option to report more than one race added more complexity to the presentation and comparison of U.S. Census data. Race and Hispanic origin are two separate concepts in the Federal statistical system. People who are Hispanic may be of any race. People in each race group may be either Hispanic or Not Hispanic. Each person has two attributes, their race (or races) and whether or not they are Hispanic. Overlap of race and Hispanic origin is the main comparability issue. For more information on the definition of the term "Hispanic" see U.S. Census Bureau, 2004 <http://www.census.gov/population/www/socdemo/compraceho.html>. This document uses the term "Hispanic or Latino."

Table 4.19-1 Population by Ethnic and Racial Groups – Counties and Cities in Project Area

Area	2000 Population ^a	Percentage of Total
Ventura County	753,197	100
One race	723,624	96.1
White	526,721	69.9
Black or African American	14,664	1.9
American Indian and Alaska Native	7,106	0.9
Asian	40,284	5.3
Native Hawaiian or Other Pacific Islander	1,671	0.2
Some other race	133,178	17.7
Two or more races	29,573	3.9
<i>Ethnic – Hispanic or Latino</i>	251,734	33.4
City of Oxnard	170,358	100
One race	162,309	95.3
White	71,688	42.1
Black or African American	6,446	3.8
American Indian and Alaska Native	2,143	1.3
Asian	12,581	7.4
Native Hawaiian or Other Pacific Islander	698	0.4
Some other race	68,753	40.4
Two or more races	8,049	4.7
<i>Ethnic – Hispanic or Latino</i>	112,807	66.2
Los Angeles County	9,519,338	100
One race	9,049,557	95.1
White	4,637,062	48.7
Black or African American	930,957	9.8
American Indian and Alaska Native	76,988	0.8
Asian	1,137,500	11.9
Native Hawaiian or Other Pacific Islander	27,053	0.3
Some other race	2,239,997	23.5
Two or more races	469,781	4.9
<i>Ethnic – Hispanic or Latino</i>	4,242,213	44.6
City of Santa Clarita	151,088	100
One race	145,204	96.1
White	120,157	79.5
Black or African American	3,122	2.1
American Indian and Alaska Native	886	0.6
Asian	7,923	5.2
Native Hawaiian or Other Pacific Islander	220	0.1
Some other race	12,896	8.5
Two or more races	5,884	3.9
<i>Ethnic – Hispanic or Latino</i>	30,968	20.5

Source: United States Department of Commerce, Bureau of Census (2000), Profile of General Demographic <http://censtats.census.gov/cgi-bin/pct/pctProfile.pl>

Note:

^a2004 data is available for the State and County levels, but it not available for the City or Block levels. In order to be consistent, 2000 data was used throughout.

Table 4.19-2 presents a summary of the Hispanic or Latino population near the Center Road Pipeline proposed and alternate routes. As shown, the Hispanic or Latino population along the proposed route is 58 percent, which is greater than the 50 percent criterion. However, the percentage of Hispanic population along the Center Road Pipeline is less than the percentage of Hispanic population of Oxnard as a whole, which is 66 percent. The data also show that no other minority population along the Center Road Pipeline route exceeds 50 percent or has a relative population greater than the State's or County's. Therefore, the detailed census block analysis of the ethnic composition of the population focuses only on the Hispanic or Latino population along the Center Road Pipeline proposed route.

Table 4.19-2 Summary of Hispanic or Latino Population along the Center Road Pipeline and Alternatives

U.S. Census 2000	Not Hispanic or Latino	Hispanic or Latino	Total	Hispanic or Latino Percent of Total
State	22,905,092	10,966,556	33,871,648	32
Ventura County	501,463	251,734	753,197	33
City of Oxnard	57,551	112,807	170,358	66
Center Road Pipeline	796	1,111	1907	58
Alternative 1	2,343	5,754	6,984	82
Alternative 2	784	971	1755	55
Alternative 3	780	1,105	1,886	59

Sources: U.S. Census Bureau American Fact Finder; BHP Billiton LNG International, Inc.

As discussed in Section 4.19.1.2 below, the number of residents along the proposed Center Road Pipeline proposed pipeline route who are living below the poverty level is 12 percent, which is less than the 15 percent for the City of Oxnard as a whole and also less than the 14 percent rate for the entire State (see Table 4.19-6 below). This level is, however, higher than the 9 percent poverty rate reported for Ventura County.

A review of the Project's overall impacts was conducted to identify the appropriate level of data analysis needed to identify whether the percentage of Hispanic or Latino population along the Center Road Pipeline could be disproportionately adversely affected by the Project's impacts. The Census Bureau's American Fact Finder 2000 database was analyzed to obtain the ethnic composition of smaller geographic areas, including census tracts, block groups, and blocks, to identify potential pockets of minority communities that may not be apparent when analyzing aggregated data on a City and County level.

The block data presented in Table 4.19-3 show the percent of population that is Hispanic or Latino along the Center Road Pipeline proposed route. The block data show the number of persons identifying themselves as Hispanic or Latino and the percentage of each block that is Hispanic or Latino. The percentage of Hispanics or Latinos in each census tract and each block are presented in comparison with the City, County, and State percentages. When looking at each block along the route, a majority

Table 4.19-3 Hispanic or Latino Population along the Center Road Pipeline Proposed Route

Census Tract Block No.	Total Number of Hispanic or Latino Individuals	Total Population of Tract & Block Total	Percentage of Hispanic Population of Block	Percentage of Hispanic Population of Census Tract	Percentage of Hispanic Population of City of Oxnard	Percentage of Hispanic Population of Ventura County	Percentage of Hispanic Population of State of CA
Tract 47.02	2,518	4,612		55	66	33	32
Block 1002	8	9	89				
1018	38	55	69				
1019	37	38	97				
1024	4	4	100				
1025	10	15	67				
1027	14	14	100				
1028	0	0	0				
1029	0	0	0				
1030	0	0	0				
2007	278	423	66				
2017	7	7	100				
Block total	396	565	70				
Tract 47.04	1,035	1,510		69	66	33	32
2001	0	15	0				
2004	27	32	84				
2005	2	8	25				
2009	18	32	56				
2010	23	27	85				
2011	4	15	27				
2012	175	178	98				
Block total	249	307	81				
Tract 49	5,640	6,690		84	66	33	32
1000	0	0	0				
1001	0	0	0				
1002	0	0	0				
1081	0	0	0				
1082	0	0	0				

Table 4.19-3 Hispanic or Latino Population along the Center Road Pipeline Proposed Route

Census Tract Block No.	Total Number of Hispanic or Latino Individuals	Total Population of Tract & Block Total	Percentage of Hispanic Population of Block	Percentage of Hispanic Population of Census Tract	Percentage of Hispanic Population of City of Oxnard	Percentage of Hispanic Population of Ventura County	Percentage of Hispanic Population of State of CA
1091	0	0	0				
1092	0	0	0				
Block total	0	0	0				
Tract 50.02	2,444	2,942		83	66	33	32
1000	0	2	0				
1018	0	1	0				
Block total	0	3	0				
Tract 52.01	743	8,232		9	66	33	32
2040	14	17	82				
2057	0	0	0				
2058	0	0	0				
Block total	14	17	82				
Tract 51	1,559	3,875		40	66	33	32
1001	56	72	78				
1002	9	19	47				
1003	332	744	45				
2042	21	116	18				
2061	0	0	0				
2062	13	13	100				
2063	0	0	0				
2064	21	51	41				
Block total	452	1015	45				
TOTAL Blocks	1,111	1907	58				

of the affected blocks contains 51 percent or greater Hispanic or Latino population. It should be noted, however, that because of the often irregular sizes and shapes of census blocks, not all residents included in each block live in close enough proximity to the proposed pipeline route to be impacted.

Many of the census blocks along the Center Road Pipeline are unpopulated because the route is located in a predominantly agricultural area. Table 4.19-4 shows that 42 percent of the blocks along the proposed route are unpopulated, and that 61 percent of the proposed pipeline route either is unpopulated or does not contain a majority Hispanic/Latino population.

Table 4.19-4 Unpopulated Blocks Along Center Road Pipeline and Loop 225 Pipeline Routes

Route	Number of Blocks	Number of Unpopulated Blocks	Unpopulated (percent)	Number of Blocks Unpopulated or Lacking Hispanic/Latino Majority	Percent of Blocks Unpopulated or Lacking an Hispanic/Latino Majority
Center Road Pipeline					
Proposed	38	14	37	23	61
Alternative 1	63	27	43	30	48
Alternative 2	38	17	45	18	47
Alternative 3	37	16	43	21	57
Line 225 Pipeline Loop					
Proposed	44	35	80	35	80
Alternate	35	25	71	25	71

Sources: U.S. Census Bureau American Fact Finder; BHP Billiton LNG International, Inc.

Nevertheless, the data show that there is a high level of Hispanic or Latino population present along the proposed pipeline route, and thus there is a potential for disproportionate adverse impacts on minority communities.

City of Santa Clarita

Santa Clarita is a relatively new city in Los Angeles County, incorporated in December 1987. The ethnic mix of the City's population in 2003 was not as diverse as the County's population. In 2000, approximately 79.5 percent of the City's population described itself as white and 20.5 percent as Hispanic or Latino ethnicity (see Table 4.19-1 above). In 2003, 78.3 percent of the population was white and 21.7 percent was Hispanic or Latino (City of Santa Clarita 2004). In comparison, in 2000, Los Angeles County was 48.7 percent white, 44.6 percent Hispanic or Latino, compared with the State of California, which was 59.5 percent white and 32 percent Hispanic or Latino (U.S. Department of Commerce, Bureau of Census 2000).

Table 4.19-5 presents a summary of the Hispanic or Latino population near the Line 225 Pipeline Loop. As shown, the Hispanic or Latino population along both the proposed route and alternative route is 13 percent and 11 percent, respectively, which is less than the 50 percent criterion and also less than the Hispanic population of Santa Clarita as a

whole. Many of the blocks along the Line 225 Pipeline Loop are also unpopulated. As such, the data do not indicate that a minority community may be present at a sufficient level along the Line 225 Pipeline Loop or its alternatives to warrant a more detailed block level analysis.

Table 4.19-5 Summary of Hispanic or Latino Population Within Line 225 Pipeline Loop Proposed and Alternative Routes –

U.S. Census 2000	Not Hispanic or Latino	Hispanic or Latino	Total	Hispanic or Latino Percent of Total
State	22,905,092	10,966,556	33,871,648	32
Los Angeles County	5,277,125	4,242,213	9,519,338	45
City of Santa Clarita	120,120	30,968	151,088	20
Proposed Line 225 Pipeline Route	3,337	497	3,834	13
Alternative Line 225 Pipeline Route	3,429	444	3,873	11

Source: U.S. Census Bureau American Fact Finder

http://factfinder.census.gov/servlet/DatasetMainPageServlet?_lang=en&_ts=103407035103

4.19.1.2 Income Distribution in the Project Area

The median household income in Oxnard is \$48,603, and in Santa Clarita it is \$73,588. Ventura County's median household income is \$59,666, and Los Angeles County's is \$42,189. All, except Los Angeles County, are higher than the State's median household income of \$47,493.

Agricultural businesses in Oxnard include Seminis, Inc. (greenhouse growers with 200 employees); Boskovich Farms (with 1,000 employees); and Mandalay Berry Farms, J.M. Smucker, OJ Farms, and Deardoff Jackson (each with between 250 and 300 employees) (EDCO 2005). These and other agricultural businesses attract seasonal workers.

In 2000 there were 43,576 total households with a median income of \$48,603. Oxnard had a per capita personal income of \$15,288, below the State of California average of \$22,711 and Ventura County's average of \$24,600 (Ventura County Workforce Investment Board 2002). Oxnard has more than one-third of the County's poverty-level households and persons, followed by Simi Valley and the unincorporated county areas. Countywide, there were more than 24,000 children under age 18 living in poverty in 1999, of which 9,500 (about 40 percent) lived in Oxnard (Ventura County Workforce Investment Board 2002).

Most of the jobs created in Oxnard and Port Hueneme between 1995 and 2000 were in relatively low-wage sectors: agriculture (2,400), services (2,500), and the public sector

(2,000). Because of this, average salaries in 2000 were among the lowest in the county, with agriculture-sector salaries at \$19,952/year and retail trade at \$19,694/year. Salaries in the services sector were higher at \$30,383 (Ventura County Workforce Investment Board 2002).

In Ventura County, the percentage of population below the poverty level is 9.2 percent, which is less than California's 14.2 percent poverty rate (see Table 4.19-6). The City of Oxnard has a poverty rate at 15.1 percent of its population. This level is slightly higher than the State's 14.2 percent and the national rate of 13.3 percent. In contrast, 6.4 percent of the City of Santa Clarita's population is below the poverty level.

Table 4.19-6 Income Distribution – Counties and Cities in the Project Area Compared with the State

Area	Total Population	Per Capita Income	Median Household Income	Percentage of Individuals Below Poverty
State of California	33,871,648	\$22,711	\$47,493	14.2
Ventura County	753,197	\$24,600	\$59,666	9.2
City of Oxnard	170,358	\$15,288	\$48,603	15.1
Los Angeles County	9,519,338	\$20,683	\$42,189	17.9
City of Santa Clarita	151,088	\$26,841	\$73,588	6.4

Source: U.S. Department of Commerce, Bureau of Census (2000), Profile of General Demographic
<http://censtats.census.gov/cgi-bin/pct/pctProfile.pl>

Center Road Pipeline

A review of block group data from the 2000 census shows that the poverty rate along the Center Road Pipeline route is 12 percent (see Table 4.19-7). This is lower than the State level of 14.2 percent and less than the City of Oxnard level of 15.1 percent; however, it is greater the Ventura County level of 9.2 percent. Therefore, the residents along this route could have a relatively higher level of poverty. Impacts on low-income populations are discussed further in Section 4.19.4, "Impact Analysis."

Line 225 Pipeline Loop

Similarly, the poverty levels shown on Table 4.19-8 demonstrate that the percentage of the population along this pipeline route at or below the poverty level is too low to be classified as a low-income population. Because the area of impact along the Line 225 Pipeline Loop does not include low-income populations, it was not considered further in the impact analysis.

Table 4.19-7 Summary of Population Below Poverty Level near Center Road Pipeline and Alternatives

U.S. Census 2000	Income 1999 Below Poverty Level	Income at or Above Poverty Level	Total Population	Percentage Below Poverty
State	4,706,130	28,393,914	33,100,044	14
Ventura County	68,540	673,655	742,195	9
City of Oxnard	25,505	143,131	168,636	15
Proposed Route	2,211	16,297	18,508	12
Alternative 1 Route	5,337	32,347	37,684	14
Alternative 2 Route	2,554	18,060	20,614	12
Alternative 3 Route	2,211	16,297	18,508	12

Source: U.S. Census Bureau American Fact Finder,
http://factfinder.census.gov/servlet/DatasetMainPageServlet?_lang=en&_ts=103407035103.

Table 4.19-8 Summary of Below Poverty Level Population of Proposed Line 225 Pipeline Loop Pipeline and Alternative Routes

U.S. Census 2000	Income 1999 Below Poverty Level	Income at or Above Poverty Level	Total Population	Percentage Below Poverty
State	4,706,130	28,393,914	33,100,044	14
Los Angeles County	1,674,599	7,675,172	9,349,771	18
City of Santa Clarita	9,552	140,198	149,750	6
Proposed Route				
TOTAL	131	4,830	4,961	3
Alternative Route				
TOTAL	88	5,155	5,243	2

Source: U.S. Census Bureau American Fact Finder
http://factfinder.census.gov/servlet/DatasetMainPageServlet?_lang=en&_ts=103407035103

1 4.19.2 Regulatory Setting

- 2 Major Federal and State laws, regulations, and policy related to environmental justice
3 are identified in Table 4.19-9.

Table 4.19-9 Major Laws, Regulatory Requirements, and Plans for Environmental Justice

Law/Regulation/Policy/ Agency	Key Elements and Thresholds; Applicable Permits
Federal	
Executive Order (EO) 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations, (<u>Federal Register</u> 1994)	<ul style="list-style-type: none"> Requires that disproportionately high and adverse health or environmental impacts on minority and low-income populations be avoided or minimized to the extent feasible. EO 12898 requires Federal agencies to achieve environmental justice by identifying and addressing disproportionately high and adverse human health and environmental effects, including the interrelated socioeconomic effects of their programs, policies, and activities on minority populations and low-income populations in the United States. The USEPA defines environmental justice as the “fair treatment for people of all races, cultures, and incomes, regarding the development of environmental laws, regulations, and policies.” Over the last decade, attention to impacts of environmental pollution on particular segments of our society has been steadily growing. The USEPA process compares appropriate factors between a community of concern and either countywide or citywide references. These factors include minority representation, low-income representation, and environmental burden. A community of concern would be identified in a number of ways on the basis of municipality, census block group, user-defined radius around a source of pollution, or physical boundaries such as streets, rivers, or railroad tracks. Demographic data can be applied to determine whether the community of concern is an area with potential environmental justice issues.
49 Code of Federal Regulations (CFR) Part 192 - <i>Pipeline and Hazardous Materials Safety Administration Office of Pipeline Safety</i>	<ul style="list-style-type: none"> The Final Rule on Operator Public Awareness Programs (May 2005) states, in part, under 192.616 that: <ul style="list-style-type: none"> (d) The operator's [public awareness] program must specifically include provisions to educate the public, appropriate government organizations, and persons engaged in excavation related activities. (e) The program must include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations. (f) The program and the media used must be as comprehensive as necessary to reach all areas in which the operator transports gas. (g) The program must be conducted in English and in other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator's area.

Table 4.19-9 Major Laws, Regulatory Requirements, and Plans for Environmental Justice

Law/Regulation/Policy/ Agency	Key Elements and Thresholds; Applicable Permits
State	
State of California General Plan Guidelines <i>- Governor's Office of Planning and Research</i>	<ul style="list-style-type: none"> • Provides guidelines for local agencies on integrating environmental justice issues into their general plans. • Identifies procedural and geographic inequity. • Recommends that cities and counties develop public participation strategies that allow for early and meaningful community involvement in the general plan process by all affected population groups. • Recommends gathering socioeconomic data to improve the public participation process, identify underserved neighborhoods, plan for infrastructure and housing, and identify low-income and minority neighborhoods in which industrial facilities and uses that pose a significant hazard to human health and safety may be overconcentrated. • Recommends incorporating policies supportive of environmental justice in all of the mandatory elements of the general plan.
The California State Lands Commission, (CSLC) Environmental Justice Policy Statement in April 2002, amended October 2002	<ul style="list-style-type: none"> • Directed staff to circulate the statement for public review by October 2002. The Commission's policy will be provided to all trustees of granted lands, including the ports (CSLC 2002). • The CSLC relies on the California Environmental Quality Act (CEQA) process to identify relevant populations that could be adversely and disproportionately affected by CSLC-reviewed projects or programs, to encourage participation of these populations, and to address potential impacts on such populations.
SB 828	<ul style="list-style-type: none"> • California Senate Bill (SB) 828 was also signed in 2001 and added due dates for developing an interagency environmental justice strategy affecting the boards, departments, and offices within the California Environmental Protection Agency. The bill required each of the California Environmental Protection Agency boards, departments and offices to review, identify, and address program obstacles impeding environmental justice by December 31, 2003 (Legislative Council of California 2002b).
California Coastal Act Chapter 6 Article 3 Section 30530 <i>- CCC</i>	<ul style="list-style-type: none"> • A program to maximize public access to and along the coastline is to be prepared and implemented in a manner that ensures coordination among and the most efficient use of limited fiscal resources by Federal, State, and local agencies responsible for acquisition, development, and maintenance of public coastal accessways. • Public access programs are to be coordinated so as to minimize costly duplication and conflicts and to assure that, to the extent practicable, different access programs complement one another and are incorporated within an integrated system of public accessways to and along the state's coastline. The Legislature recognizes that different public agencies are currently implementing public access programs and encourages such agencies to strengthen those programs in order to provide yet greater public benefits.

4.19.3 Analysis Criteria

An environmental justice impact would be considered significant if Project construction or operation would:

- Result in adverse effects or impacts that are appreciably more severe in magnitude or are predominately borne by any segment of the population, for example, a minority or low-income population (as defined by poverty thresholds from the Bureau of the Census), in comparison with a population that is not minority or low-income. For purposes of this analysis, a minority population is defined as a population that is more than 50 percent minority or has a minority population that is meaningfully greater than the minority population in the general population or other appropriate unit of geographic analysis.

4.19.4 Impact Analysis

Not all impacts identified in this document are considered to affect populations designated for environmental justice considerations. Examples of project impacts that are not considered impacts affecting environmental justice are described below.

The main adverse impacts associated with construction of the onshore pipelines would be the temporary noise, dust, and traffic congestion, none of which are considered significant adverse impacts after mitigation. These impacts would occur along the entire pipeline route, and in areas with a variety of socioeconomic backgrounds, and thus are not considered to adversely affect minority or low-income populations disproportionately. Therefore, this analysis does not evaluate construction impacts further. Significant adverse impacts associated with Project operations, however, are considered in this analysis.

Depending on the atmospheric conditions on any given day, onshore winds could transport air emissions from the offshore facility to any location within the airshed, which would not subject low income or minority populations to a greater or lesser impact than other populations within the airshed. See Section 4.6, "Air Quality" for an expanded analysis of impacts to air quality.

Offshore, the significant adverse impacts that cannot be fully mitigated are the offshore visual and recreational impacts from the presence of the FSRU and public safety impacts outside the FSRU safety zone (see Sections 4.3, "Aesthetics," 4.15, "Recreation," and 4.2, "Public Safety", respectively). Since the FSRU would be visible primarily to recreational boaters and public safety impacts from an accident would be experienced by people representing a variety of socioeconomic backgrounds, such issues would not adversely affect minority or low-income communities disproportionately. The analysis also concludes that there would be no significant impact to recreational or commercial fishing (see Section 4.17, "Socioeconomics"). Therefore, the above impacts from the FSRU and offshore pipelines were eliminated as potential environmental justice concerns.

During onshore pipeline operations, potential impacts may occur from a release of natural gas from a leak or pipe rupture at any point along the pipeline route. The potential impact from these releases would be greatest if the flammable cloud were ignited. The routing of a new natural gas transmission pipeline—the Center Road Pipeline—through or near the City of Oxnard would be through an area that is more than 50 percent Hispanic or Latino, and that has a greater proportion of Hispanic or Latino residents compared to Ventura County or to California as a whole. The proposed pipeline or its alternatives would also be routed through an area where the poverty level is similar to the overall rate in California, but is higher than in the rest of Ventura County.

The long-term potential public safety impacts associated with the operation of this transmission line (the potential for a release of natural gas from a leak or rupture of the pipeline followed by ignition and burning of the gas cloud) represents an environmental justice concern. The environmental justice concern has been addressed in the following way to ensure that minority or disadvantaged communities would not be disproportionately exposed to significant impacts from this Project:

- Construction of new natural gas transmission pipelines associated with this Project would impact a mix of ethnic and socioeconomic areas in Ventura and Los Angeles Counties.
- For the Center Road Pipeline, where the pipeline is routed through an area where there is a higher relative percentage of Hispanics or Latinos or economically disadvantaged populations, the proposed route would be through less densely populated areas and through areas where the minority or disadvantaged population represents a comparable or smaller percentage of the affected residents than the three alternative pipeline routes.
- The Applicant has agreed to more stringent design criteria for both the Center Road Pipeline in Ventura County and the Line 225 Loop Pipeline in Santa Clarita, which would reduce the potential risks to residents along these pipelines to a level that is significantly lower compared to other communities where existing natural gas transmission pipelines are located. Additionally, MM PS-5a has been developed to address a specific public safety concern identified for minority communities located near milepost (MP) 4.1 of the Center Road Pipeline; this measure requires the Applicant to install additional mainline valves. These measures and additional details regarding potential risks associated with natural gas pipeline operations are described in Section 4.2.8, “Natural Gas Pipelines.”

The routing of a new natural gas transmission pipeline to provide additional capacity to the existing gas transmission system—the Line 225 Loop Pipeline—through the incorporated areas of the City of Santa Clarita in Los Angeles County does not represent an environmental justice concern.

Applicant-proposed measures (AM) and agency-recommended mitigation measures (MM) are defined in Section 4.1.5, “Applicant Measures and Mitigation Measures.”

Impact EJ-1: Disproportionate Impact on Minority and Low-Income Community of a Pipeline Accident near Center Road Pipeline MP 4.1

There would be a long-term risk of a pipeline rupture that could cause a fire that would disproportionately affect minority communities near MP 4.1.

As discussed above, the census block data show that the percent of population that is Hispanic or Latino along the proposed Center Road Pipeline route is 58 percent (see Table 4.19-3 above). In addition, this area has a percentage of residents below the poverty level greater than the County's level.

Pipeline design, inspection, operation, and maintenance requirements imposed by Federal and State regulations become more stringent as the population in proximity to the pipeline increases, which reduces the risk of a pipeline leak or rupture. In addition, new, more stringent requirements have recently been developed requiring pipeline operators to identify areas along the pipeline where an incident could have potentially greater impacts on members of the public (High Consequence Areas, or HCAs), and to subsequently implement additional operational safety practices for pipeline segments associated with an HCA, as well as additional public education and emergency planning for residents in or near those areas.

In preparing this document, it was determined that straightforward application of the regulatory definitions for identifying these HCAs would not adequately address the potential risk for people living in manufactured homes, mobile homes, or in travel trailers used for temporary or semi-permanent housing near the pipeline.

In particular, the manufactured home and mobile home parks located on Pidduck and Dufau Roads near MP 4.1 of the proposed Center Road Pipeline route were identified as areas where a significant impact could disproportionately affect minority or low-income residents. The segment of the proposed pipeline in proximity to these sites is about 0.2 mile in length. This constitutes less than 1 percent of the total length of the 14.7-mile pipeline.

This housing was identified in a review of aerial photos and a confirmatory field inspection by Ecology and Environment, Inc. (E & E) staff in June and August 2004. Although the housing density in this area does not meet the strict regulatory definition that would trigger HCA requirements (20 or more buildings intended for human occupancy within a potential impact radius of 824 feet [251 meters] from the pipeline), the field inspection provided information to support defining this location as an "identified site" under the regulations contained in 49 CFR Part 192, Subpart O, based on observed levels of outdoor activity, particularly within the Dufau Road housing community. A more detailed description of HCA determinations and a discussion of this impact are included in the discussion under Impact PS-5 in Section 4.2, "Public Safety: Hazards and Risk Analysis."

The community off Pidduck Road is located in Block 1019 of Census Tract Number 47.02, which has a Hispanic or Latino representation of 97 percent (37 out of a total

population in that block of 38, see Table 4.19-3 above). The community off Dufau Road is located in Block 2012 of Census Tract Number 47.04, with a similarly high Hispanic or Latino population (175 out of 178 people, or 98 percent). The block groups in which this potentially significant impact would occur also have a percentage of residents below the poverty level greater than Ventura County: 10.06 percent for Block Group 1 of Census Tract 47.02 and 20.2 percent for Block Group 2 of Tract 47.04, compared to 9.2 percent within Ventura County.

One of the goals of Executive Order 12898, Environmental Justice, is to provide minority communities with meaningful access to public information on, and an opportunity for public participation in, matters related to human health and the environment. Opportunities for minority and low-income residents to participate in the environmental process have been afforded by identifying potential effects and mitigation measures through direct consultation with affected community residents; easy and enhanced access to meetings, crucial documents, and notices; and adequate access to public information relating to human health and environmental planning, regulation, and enforcement. In addition:

- The Project-specific website (<http://www.cabrilloport.ene.com>) includes information, in both English and Spanish, regarding the proposed Project, background information on LNG, the Deepwater Port Act, and the previous open houses and scoping meetings;
- The NOI/NOP was also made available on the website in Spanish;
- Spanish-speaking individuals were available at all scoping meetings, open houses, and public meetings on the October 2004 Draft EIS/EIR to assist participants who required translations, and literature provided at the open houses was available in both English and Spanish; and
- Comments made in Spanish were accepted, and translated into English for the benefit of and recordation by the agencies and the public present and the 2004 Draft EIS/EIR was provided in Spanish.
- A Spanish translation of this document is also available.

A recent Final Federal Rule, published in May 2005 for 49 CFR Part 192, requires the operator to include, in its public awareness plans, measures to prepare and distribute a comprehensive program that includes activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations. The program must be conducted in English and in other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator's area.

The Applicant has incorporated the following into the Project:

- AM PS-4a. Class 3 Pipeline Design Criteria** (see Section 4.2, "Public Safety: Hazards and Risk Analysis").

Mitigation Measures for Impact EJ-1: Disproportionate Impact to Minority Community from a Potential Pipeline Accident

The following Public Safety mitigation measures also apply here (see Section 4.2, “Public Safety: Hazards and Risk Analysis”):

MM PS-4b. Pipeline Integrity Management Program.

MM PS-4c. Install Additional Mainline Valves Equipped with Either Remote Valve Controls or Automatic Line Break Controls.

MM PS-5a. Treat Manufactured Home Residential Community as a High Consequence Area.

Under MM PS-4b, a pipeline integrity management program would promote public awareness and provide up-to-date information regarding sensitive land uses along the pipeline. Under MM PS-4c, the imposition of automatic or remote closure capabilities and significantly reduced distances between pipeline isolation valves would reduce the potential amount of natural gas that might be released and/or ignited should a leak or a rupture occur in the pipeline. Under MM PS-5a, the treatment of this area as an HCA would automatically impose additional inspection, testing, maintenance, reporting, and public education requirements for the operation of this pipeline segment. The imposition of automatic or remote closure capabilities and significantly reduced distances between pipeline isolation valves would reduce the potential amount of natural gas that might be released and/or ignited should a leak or a rupture occur in the pipeline. These mitigation measures are intended to reduce potential risks by reducing the potential frequency or likelihood of an accident as well as reducing the potential consequences should an accident occur.

The above design and engineering requirements have been developed to reduce the risks of a potential release of natural gas along the entirety of the route. However, the requirement that the area in the vicinity of MP 4.1 be treated as a HCA is in specific consideration of the type of housing and outdoor activity levels known to exist in the vicinity of MP 4.1. The intent of the additional site-specific requirements for additional inspection, testing, maintenance, reporting, and public education requirements for the operation of this pipeline segment is to further reduce the potential risks related to the proposed pipeline in the area of MP 4.1 as compared to the remainder of the route.

With the implementation of these measures, in conjunction with the additional requirements put in place with treatment as a HCA, the presence and operation of the proposed pipeline, as modified, would not constitute a significant environmental justice impact, i.e., have a potentially disproportionate impact, as defined herein, on minority and low-income residents of the community near MP 4.1.

Impacts and mitigation measures associated with environmental justice are summarized in Table 4.19-10.

Table 4.19-10 Summary of Environmental Justice Impacts and Mitigation Measures

Impact	Mitigation Measure(s)
<p>EJ-1: There would be a permanent risk of a pipeline rupture that could cause a fire that would disproportionately adversely affect a minority or low income community.</p>	<p>AM PS-4a. Class 3 Pipeline Design Criteria. The Applicant or its designated representative would construct all pipeline segments to meet the minimum design criteria for a DOT Class 3 location, which would improve the safety of all pipelines and reduce the need to reconstruct the pipeline segments as additional development and population densities increase along the pipeline corridor.</p> <p>MM PS-4b. Pipeline Integrity Management Program. The Applicant shall develop and implement a pipeline integrity management program, including confirming all potential HCAs (including identification of potential sites from “licensed” facility information [day care, nursing care, or similar facilities] available at the city and county level) and ensuring that the public education program is fully implemented before beginning pipeline operations.</p> <p>MM PS-4c. Install Additional Mainline Valves Equipped with Either Remote Valve Controls or Automatic Line Break Controls. The Applicant shall install five approximately equally spaced sectionalizing valves with appropriately sited and sized blowdown stacks on the Center Road Pipeline. The Applicant shall install three approximately equally spaced sectionalizing valves with appropriately sited and sized blowdown stacks on the Line 225 Pipeline Loop. The number of valves includes the station valves at each end of these pipelines. All valves shall be equipped with either remote valve controls or automatic line break controls.</p> <p>PS-5a. Treat Manufactured Home Residential Community as a High Consequence Area. The Applicant shall treat as an HCA those areas where the potential impact radius includes part or all of a manufactured-home residential community, including outdoor gardens and areas with one or more normally occupied mobile homes or travel trailers used as temporary or semi-permanent housing, and outdoor gardens. The Applicant shall enact for these areas the pipeline safety requirements contained in 49 CFR Part 192 Subpart O.</p>

1 4.19.5 Alternatives

2 4.19.5.1 No Action Alternative

3 As explained in greater detail in Section 3.4.1, “No Action Alternative,” under the No
4 Action Alternative, MARAD would deny the license for the Cabrillo Port Project and/or
5 the CSLC would deny the application for the proposed lease of State tide and
6 submerged lands for a pipeline right-of-way. The No Action Alternative means that the
7 Project would not go forward and the FSRU, associated subsea pipelines, and onshore
8 pipelines and related facilities would not be installed. Accordingly, none of the potential
9 environmental impacts identified for the construction and operation of the proposed
10 Project would occur.

Since the proposed Project is privately funded, it is unknown whether the Applicant would fund another energy project in California; however, should the No Action Alternative be selected, the energy needs identified in Section 1.2, "Project Purpose, Need and Objectives," would likely be addressed through other means, such as through other LNG or natural gas-related pipeline projects. Such proposed projects may result in potential environmental impacts of the nature and magnitude of the proposed Project as well as impacts particular to their respective configurations and operations; however, such impacts cannot be predicted with any certainty at this time.

4.19.5.2 Alternative DWP Location – Santa Barbara Channel/Mandalay Shore Crossing/Gonzales Road Pipeline

This route would generally have environmental justice impacts similar to the proposed Project that would require implementation of the same mitigation measures identified for the proposed route. This route would not, however, have the public safety impact to residents at about MP 4.1 on the proposed Center Road Pipeline route and on Center Road Pipeline Alternatives 2 and 3.

4.19.5.3 Alternative Onshore Pipeline Routes

Center Road Pipeline Alternative 1

Center Road Pipeline Alternative 1 crosses many more residential areas than the proposed route. A substantially larger number of residences would be impacted along this alternate route, which would pass by close to between 1,200 and 1,400 residences.

This alternative was initially the Applicant's proposed route because it would utilize existing rights-of-way through the city streets and could have lesser impacts on the community for this reason, but in response to public comments concerning safety at the scoping meetings in March 2004, a new proposed route through agricultural lands was investigated and determined to be feasible and is included as the Center Road proposed route in this document. As shown in Table 4.19-2 above, aggregate data show that 82 percent of the population along the Alternative 1 route is Hispanic or Latino in comparison with the aggregate Hispanic population of 58 percent along the proposed Project right-of-way.

As such, changing the proposed route has significantly reduced the number of people in the potential impact area of the pipeline and reduced the impact to minority communities.

Table 4.19-7 above presents a summary of populations below the poverty level for the Center Road Pipeline and its alternatives. This alternative affects a population with a 14 percent poverty rate, which is above the poverty rate of 12 percent for the proposed route.

This alternative would avoid the specific public safety impact on residents at about MP 4.1 of the proposed route. However, the HCAs for this pipeline would be much larger and public safety impacts would affect a greater number of people.

Center Road Pipeline Alternative 2

Much of this alternative route is located in agriculturally dominated areas; 89.7 percent of the land along the route is in agricultural use. This alternative would involve the same impacts as the proposed route. The aggregate Hispanic or Latino population is 55 percent in comparison with the population along the proposed route of 58 percent. The poverty level is the same as the proposed route at 12 percent. This alternative would have the same public safety impact to residents at about MP 4.1.

Center Road Pipeline Alternative 3

Alternate 3 would involve the same impacts as the proposed route, except that it avoids Mesa Union School at the northern end of the pipeline route. The aggregate Hispanic or Latino population is slightly higher at 59 percent. The poverty level is the same as the proposed route at 12 percent. This alternative would have the same public safety impact to residents at about MP 4.1 as does the proposed Center Road Pipeline route and the Center Road Pipeline Alternative 2.

Line 225 Pipeline Loop Alternatives

Like the proposed Line 225 Pipeline Loop, this alternative would not disproportionately affect minority or low-income communities.

4.19.5.4 Alternative Shore Crossing/Pipeline Route

Point Mugu Shore Crossing/Casper Road Pipeline

The potential environmental justice impacts for this alternate shore crossing and 1.5-mile (2.4 km) long alternative pipeline route are similar to those associated with MP 0.0 to approximately MP 2.5 of the proposed Center Road Pipeline, which this alternative would replace.

Arnold Road Shore Crossing/Arnold Road Pipeline

The potential environmental justice impacts for this alternate shore crossing and 1.5-mile (2.4 km) long alternative pipeline route are similar to those associated with MP 0.0 to approximately MP 1.8 of the proposed Center Road Pipeline, which this alternative would replace.

4.19.6 References

California State Lands Commission (CSLC). 2002. Port-Community Relationships. Staff Report to the California State Lands Commission, September 2002.

California Governor's Office of Planning and Research. 2003. General Plan Guidelines. October.

http://www.opr.ca.gov/planning/PDFs/General_Plan_Guidelines_2003.pdf

- 1 City of Santa Clarita. 2004. Demographics.
2 http://www.santa-clarita.com/cityhall/cmo/ed/community_profile/demographics.asp
- 3 Economic Development Corporation of Oxnard (EDCO). 2005. Major Employers,
4 accessed July 22. <http://www.edco.us>.
- 5 Federal Register. 1994. Executive Order 12898. Federal Actions to Address
6 Environmental Justice in Minority Populations and Low Income Populations. Published
7 in the Federal Register, Vol. 59, No. 32, February 16, 1994.
- 8 _____. 2002b. SB828, Alarcon. Environmental Justice.
9 http://www.leginfo.ca.gov/pub/01-02/bill/sen/sb_0801-0850/sb_828_bill_20011012_chaptered.html.
- 10 Livermore Airport Public Services Department. 2005. Website accessed June 22,
11 2005.
- 12 <http://www.ci.livermore.ca.us/airport/faqs.html>
- 13 Oxnard Convention and Visitors Bureau. 2004. History.
14 <http://oxnardtourism.com/history.html>
- 15 U.S. Department of Commerce, Bureau of Census. 2000. Profile of General
16 Demographic Characteristics: 2000. <http://www.census.gov>
- 17 U.S. Department of Commerce, Bureau of Census. 2004. American Fact Finder.
18 http://factfinder.census.gov/servlet/DatasetMainPageServlet?_lang=en&_ts=103407035
19 [103](http://factfinder.census.gov/servlet/DatasetMainPageServlet?_lang=en&_ts=103407035)
- 20 U.S. Environmental Protection Agency, Office of Environmental Justice (USEPA).
21 2004. Toolkit for Assessing Allegations of Environmental Injustice.
- 22 Ventura County Workforce Investment Board. 2002 State of the Workforce.
23 <http://www.wib.ventura.org>

THIS PAGE INTENTIONALLY LEFT BLANK